

Application No.: 10/086,392

REMARKS:

Objections to Drawings under 37 CFR 1.83(a):

The OA objects to the drawings under 37 CFR 1.83(a). Specifically, the OA notes that the formal drawings submitted by Applicant on August 15, 2003 do not show reference designator 515. Applicants have included herein a corrected drawing that includes reference designator 515 pointing to the control pin of element 514. Applicants note that the omission of this reference designator was inadvertent. Support for this amendment is found in the informal drawings originally filed, as they properly included reference designator 515. Applicants respectfully request reconsideration of the objection in light of the amendment.

Objections to the Specification:

Applicants kindly thank the Examiner for noting two inadvertent typographical errors on pages 8 and 9. These typographical errors, along with a third error on page 9, have been corrected by way of this amendment. Applicants respectfully request reconsideration of the objection in light of the amendments.

Claim Rejections under 35 USC §112:

The OA rejects claims 1-11 under 35 USC §112 for reasons addressed individually below:

1. The terms "a the video image" and "region the, alarm" in claim 1 should be recited as -- the video image -- and -- region, the alarm -- respectively. In response, Applicants have amended the claims to correct these inadvertent typographical errors. Applicants respectfully request reconsideration of the rejection in light of the amendment.
2. No antecedent basis for "the user" in claims 4 and 8. In response, Applicants have amended claims 4 and 8 to recite -- a user -- in each case. Applicants respectfully request reconsideration of the rejection in light of the amendment.
3. It is not clear whether the "target manipulation device" in claim 10 is the same "target manipulation device of the alarm mean" in claim 12. In response, Applicants have amended claim 12 to recite -- the target manipulation -- device to make it clear that the target manipulation device of claim 12 is the same target manipulation device providing

Application No.: 10/086,392

antecedent basis in claim 10. Applicants respectfully request reconsideration of the rejection in light of the amendment.

4. Rejection due to a broad range limitation followed by "such as" and then narrower language. Applicants respectfully traverse this rejection. Applicants kindly thank the Examiner for the citation of *Ex parte Wu* in explaining the rejection. However, Applicants respectfully submit that the USPTO has accepted the language used by Applicants in this application since *Ex parte Wu* was decided. For example, such language is recited in US Pat. No. 5,174,566, issued to Kelnhofer on December 29, 1992, approximately 3 years after *Ex parte Wu*. Specifically, in claim 1, the '566 patent recites in the preamble: "In a training device for a person practicing a movement, for example a golf swing..." Applicants rely on the '566 patent as precedent that such language has been accepted by the PTO after *Ex parte Wu*, and is thus proper in the present case. In an effort to expedite prosecution, however, Applicants have provisionally canceled this language by way of amendment. Applicants note that this amendment is not intended to surrender any patentable subject matter per the *Festo* doctrine, but is rather a syntactical correction only. Applicants respectfully reserve the right to revisit the rejection if the amendment, as interpreted by the USPTO, alters the scope of the claims. Applicants respectfully request reconsideration of the rejection in light of the amendment. Additionally, Applicants respectfully request that the Examiner, in his reply, please note whether the amendment in any way affects the scope of his search or the prior art of record. Applicants note that claims 2, 3, 5, 6, 9, and 13 are rejected per the "for example" language, but that only claim 7 recites such language. As such, Applicants respectfully request clarification as to the rejections per claims 2, 3, 5 and 6.

Claim Rejections Under 35 USC §102:

Claims 1-4 and 6-15 have been rejected under 35 USC §102(e) as being anticipated by Evensen (US Pub. No. 2003/0054327), hereinafter Evensen. Applicants kindly thank the Examiner for noting that claim 5 would be allowable if rewritten in dependent form.

Applicants note that Evensen has a filing date of September 20, 2001. Per MPEP §2136.05, a §102(e) rejection may be overcome in a variety of ways, one of which is antedating the filing date of the reference by submitting an affidavit or declaration under 37 CFR 1.131

Application No.: 10/086,392

showing that the Applicants have prior invention. MPEP §715.07 lists the ways to show prior invention, one of which is showing a reduction to practice of the invention prior to the effective date of the reference.

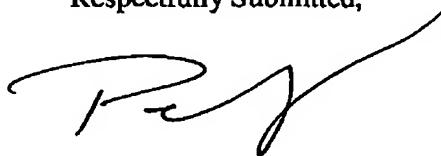
Applicants have included herein affidavits from the three inventors, along with the documentary evidence of a dated schematic diagram, showing a reduction to practice prior to the effective date of September 20, 2001 of Evensen. As such, Applicants respectfully submit that the §102(e) rejection has been overcome. Applicants respectfully request reconsideration of the rejection in light of these affidavits, as Applicants respectfully submit that the claims are now in proper and patentable form.

Application No.: 10/086,392

CONCLUSION:

Applicants now believe that the claims are in proper form and stand patentable over the prior art. Applicants respectfully thus submit the claims for reconsideration. If any matter in this prosecution would be more easily handled by telephone, Applicants' attorney's phone number is listed below. Thank you for your consideration of this application.

Respectfully Submitted,



Philip H. Burrus, IV
Attorney for Applicants
Reg. No.: 45,432
Telephone No.: 770-338-3614

ENCLOSURES —

1 SHEET DRAWINGS - FIG. 5
4 SHEETS AFFIDAVIT
1 SHEET SCHEMATIC ACCOMPANYING AFFIDAVIT